

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY MODIFIED) 4:06MD1811 CDP
RICE LITIGATION) ALL CASES

ORDER

This order modifies and memorializes some of the instructions I gave at the telephone conference held yesterday. The issue numbers refer to the designations from the parties' Amended Joint Report for the conference [#2936].

IT IS HEREBY ORDERED that:

Item 1: With respect to the *Riviana* settlement, the parties shall provide an agreed form of dismissal, or shall provide a statement setting out their disputes and a process and schedule for resolving those disputes no later than **Friday, June 4, 2010.**

Item 3: Bayer may not take the depositions of Doctors Carter and Babcock for the Producers Rice Mill case, as the testimony of these witnesses has been sufficiently disclosed through reports, depositions, and prior testimony.

Item 4: Upon reconsideration, I will not hold a further hearing or allow briefing on the issue of Bayer's Rule 30(b)(6) notices in the Producers Rice Mill case. Bayer is entitled to take the Rule 30(b)(6) depositions it seeks, and I will not hold further argument on this issue, nor should the parties provide further

materials on the issue. The telephone conference previously scheduled to discuss this issue on June 4, 2010 is CANCELED.

Item 5: If the parties can agree on additional *Lexecon* waivers they shall file a statement to that effect no later than **Friday, June 11, 2010.** If the parties do not agree and either side wishes to file a motion seeking to hold trial in this district even in the absence of a *Lexecon* waiver by the opposing party, the party seeking the trial here shall file a motion and memorandum in support no later than **Friday, June 11, 2010.** Any memorandum in opposition shall be filed no later than **Friday, June 18, 2010.** No further briefing will be allowed.

Item 10: At the Louisiana bellwether trial Bayer will be allowed to call witness Alan McHughen out of order (during plaintiffs' case), assuming plaintiffs' case is not completed by July 1, 2010.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of June, 2010.